

Attorney Docket No. 20720-95592

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF FACSIMILE

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Peter J. Manso

October 15, 1999

Name of person signing this paper or fee

Date

Signature of person signing this paper or fee

In re Application of:

Dave Bova

Serial No.:

08/368,378

Filing Date:

January 14, 1995

Group Art Unit:

1615

Batch No.:

V45

Examiners:

J. Venkat

Title:

*Nicotinic Acid Compositions for Treating Hyperlipidemia and Related Methods Therefor*

Attn: Office of Petitions

Assistant Commissioner of Patents

Box DAC

Washington, D.C. 20231

Dear Sir:

**TERMINAL DISCLAIMER TO ACCOMPANY PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR §1.137 (c)**

Kos Pharmaceuticals, Inc. ("Kos") is the owner of 100% interest in the above-identified application by virtue of an assignment and/or obligation of the inventors named therein to assign said application to Kos as a result of their employment agreement with Kos. Kos hereby disclaims a terminal part of the term of the patent equivalent to the period of abandonment of the above-identified application. This terminal disclaimer applies to any patent granted on the above-identified application or on any application that contains a specific reference under 35

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U.S.C. §120, §121 or §365(c) to this application. This disclaimer is binding upon the grantee, its successors or assigns.

The undersigned attorney is the attorney of record.

Respectfully Submitted,

  
Peter J. Manso

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